



11/20/01

Docket No. A-58631-3/RFT/RMS/DJM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification of
this Application:

Class: Subclass:

Prior Application:

Examiner: A. Mehta

Art Unit: 1638

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DATE OF DEPOSIT November 20, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
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UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE
AND IS ADDRESSED TO: BOX PATENT APPLICATION FEE,
ASSISTANT COMMISSIONER FOR PATENTS, ARLINGTON,
VA 22202.

TYPED NAME DARRY KRINER

SIGNED

Box PATENT APPLICATION

Assistant Commissioner for Patents
Arlington, VA 22202

Sir:

This is a request for filing an

☐ Original

☒ Continuation

☐ Divisional

☐ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of PETER D. CHRISTIAN;
KARL H.J. GORDON; TERRY N. HANZLIK (Names of ALL Applicants), for INSECT
VIRUSES AND THEIR USES IN PROTECTING PLANTS (Title of Invention). This
☒ continuation ☐ divisional ☐ continuation-in-part claims priority
to pending application Serial No. 09/234,238, filed on January 20, 1999,
(which is a continuation of Serial No. 08/440,522, filed May 12, 1995.)

1. (a) ☐ Enclosed is a new application.
(b) ☐ Enclosed is a continuation-in-part application.
(c) ☒ Enclosed is a copy of the prior application.
2. (a) ☐ Enclosed is a new Declaration.
(b) ☒ Enclosed is a copy of the prior executed Declaration as
originally filed.
(c) ☐ Enclosed is a Combined Declaration/Power of Attorney.
3. ☐ Applicant claims small entity status. See 37 CFR 1.27.
4. ☐ The filing fee is calculated below:
Claims as filed in the prior application, less any claims canceled by
amendment below:

	(Col. 1)	(Col. 2)	<u>SMALL ENTITY</u>			<u>OTHER THAN A SMALL ENTITY</u>		
FOR:	<u>NO. FILED</u>	<u>NO. EXTRA</u>	<u>RATE</u>	<u>FEE</u>	OR	<u>RATE</u>	<u>FEE</u>	
BASIC FEE				\$370	OR		\$740	
TOTAL CLAIMS	<u> </u> -20 =	* <u> </u> 1	x 9 = \$	<u> </u>	OR	x 18 = \$	<u> </u>	
INDEP CLAIMS	<u> </u> -3 =	* <u> </u> 1	x 40 = \$	<u> </u>	OR	x 80 = \$	<u> </u>	
[] MULTIPLE DEPENDENT CLAIM PRESENTED			+135 = \$	<u> </u>	OR	+270 = \$	<u> </u>	
*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.			TOTAL	\$ <u> </u>	OR	TOTAL	\$ <u> </u>	

5. X The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. A-58631-3/RFT/RMS/DJM).

6. Our check in the amount of \$ is enclosed.

7. Cancel in this application original claims of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

8. X Amend the specification by inserting before the first line the sentence:

--This is a X continuation of application Serial No. 09/234,238 filed January 20, 1999 .--

9. (a) X Informal drawings are enclosed, 52 sheets, copies as filed in parent application.

(b) Formal drawings are enclosed, sheets.

10. (a) Priority of application Serial No. filed on in is claimed under 35 U.S.C. 119.

(b) The certified copy has been filed in prior application Serial No. filed on .

11. An Assignment is enclosed.

12. X The prior application is assigned of record to .

13. A Power of Attorney by Assignee is enclosed.

14. X The power of attorney in the prior application is to:

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP

(name)

SUITE 3400, FOUR EMBARCADERO CENTER

(address)

SAN FRANCISCO, CALIFORNIA 94111-4187

(a) X The power appears in the original papers in the prior application.

(b) Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

(c) X Address all future communications to:

RICHARD F. TRECARTIN, ESQ.
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Suite 3400, Four Embarcadero Center
San Francisco, California 94111-4187
Telephone: (415) 781-1989

15. A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)


16. A Prior Art Statement is enclosed.

17. X I hereby verify that the attached papers are a true duplicate of prior application Serial No. 09/234,238 as originally filed on January 20, 1999.

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

Dated: November 20, 2001


Richard F. Trecartin,
Reg. No. 31,801

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